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Attorneys for Plaintiffs
ANDREW SHALABY and SONIA DUNN-RUIZ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA – SAN DIEGO

ANDREW SHALABY and SONIA DUNN-RUIZ,

Plaintiffs,

vs.

IRWIN INDUSTRIAL TOOL COMPANY
INC., THE HOME DEPOT, INC., and DOES 2
through 100, inclusive

Defendants.

Case No.: 07-CV-2107 W (BLM)

**DECLARATION OF MARK D. EPSTEIN
IN OPPOSITIN TO MOTION FOR
LEAVE TO DESIGATE UNDISCLOSED
EXPERT WITNESS JASON LUSK**

Date: October 2, 2008
(Motion to Be Resolved Without a
Hearing Unless Directed Otherwise By
the Court)

Time: 9:00 a.m.
Dept. Courtroom A, First Floor

Judge: The Hon. Thomas J. Whelan
Magistrate Judge: The Hon. Barbara L. Major

AND RELATED THIRD PARTY CLAIMS

I, Mark D. Epstein, declare as follows:

1. I am an attorney at law, duly licensed to practice before the courts of the State of California, and am admitted to practice in the United States District Court for the Southern District of California. I am a partner in the law firm of Alborg, Veiluva & Epstein, LLP, counsel of record for plaintiffs in this action. I make the following statements based upon matters that are within my personal knowledge and, if called to testify about them in court, I could and would do so competently.

1 2. Attached hereto as Exhibit A are true and correct copies of pages 168 and 169 of
2 the transcript of the deposition of my client, Andrew Shalaby, that was taken in connection with
3 this lawsuit, at which I was present.

4 3. Attached hereto as Exhibit B are true and correct copies of pages 51 through 53 of
5 the transcript of the deposition of my client, Sonia Dunn-Ruiz, that was taken in connection with
6 this lawsuit, at which I was present.

7 4. Attached hereto as Exhibit C is a true and correct copy of the transcript of the
8 deposition of Warren Ratliff, at which I made a personal appearance and in which I participated.

9 I declare under penalty of perjury, under the laws of the State of California and the laws
10 of the United States, that the foregoing is true and correct.

11 Executed on September 19, 2008 at Walnut Creek, California.

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13
14
15 /s/

16 _____
MARK D. EPSTEIN